

and third sheet portions engageable with the underside of the vehicle to thereby retain said flexible sheet on the vehicle;

25 wherein said fourth sheet portion comprises a slit generally aligned along a rear edge and a top edge of the driver-side front door, and a zipper having a slider element and mating elements connected to facing sheet edges that define said slit, wherein said zipper when in a zipped-closed arrangement bridges said facing sheet edges, and wherein said zipper when in a zipped-open arrangement permits the driver-side front door to be opened while said flexible sheet remains in place over the vehicle; and

30 means for releasably attaching said flexible sheet fourth sheet portion onto an upper, rearward corner of the driver-side front door of the vehicle to prevent said flexible sheet fourth sheet portion from falling down when said zipper slider element is disposed in a zipped-open position to allow driver-side front door opening.

35 ²³ 25. The vehicle cover of claim ²² 24 wherein said means for releasably attaching said flexible sheet fourth sheet portion comprises a fabric flap that forms a door-corner receiving pocket with a vehicle-facing surface of said flexible sheet fourth sheet portion.

REMARKS

This paper is responsive to the Office Action dated September 1, 1999. In that Office Action, claims 1-3 and 7-21 were identified as being rejected, and claims 4-6 were objected to.

Responsive to that Office Action, the Applicant has amended claims 1, 2, 10, 11, 13 and 17, canceled claims 6 and 12, and added claims 22-25. Applicant submits that these claim amendments and additions are all expressly or inherently supported in the specification, including the figures, and therefore no new matter has been introduced. Reexamination and reconsideration of the application, as amended, is respectfully requested.

At the outset, the Examiner is hereby informed that various references are being submitted into the record in an Information Disclosure Statement being filed concurrently herewith. In the event that IDS does not reach the Examiner with this

paper, the Examiner is asked to contact the undersigned for a replacement copy of the IDS prior to reviewing this paper.

In the Office Action, claims 1-3 and 7-14 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,938,522 to Herron et al., which discloses a protective vehicle cover. Claim 15 was rejected under 35 U.S.C. 103(a) as being unpatentable over Herron '522. And, claims 16-21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Herron '522 in view of U.S. Patent No. 5,845,958 to Rudys et al.

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Regarding the rejection of claim 1, Applicant has amended claim 1 to include all the limitations of original claim 6. As original claim 6 was identified in the Office Action as being allowable if rewritten in independent form with its base claim limitations, and because the additional art being submitted in an IDS does not in proper combination with the art already of record negate patentability, Applicant submits claim 1, as well as claims 2-5 and 7-9 dependent therefrom, are in condition for allowance, and such action after reconsideration is requested.

Regarding the rejection of claim 10, Applicant has amended that claim to more clearly specify a vehicle cover that is neither shown by nor obvious in view of the prior art. Specifically, amended claim 10 recites "said covering means comprising a base sheet including a plurality of openings adapted to overlay windows of the vehicle when said covering means is arranged over the vehicle". This feature highlights the fact that the inventive cover may be used with a moving vehicle, as the openings permit a driver to see out so as to operate the vehicle while it is covered by the inventive cover. Amended claim 10 also specifies that the bottom edge of the covering means includes "upwardly recessed sections aligned with all of the wheel wells of the vehicle." And, the elastic retaining means that is now recited in claim 10 as being "disposed along at least substantially all of a vehicle encircling length of said bottom edge" of the covering means is further specified as being "disposed along the entire lengths of said upwardly recessed sections of said covering means to cause said upwardly recessed sections to bow inwardly into the wheel wells to limit contaminants from reaching underneath the covering means while said covering means remains clear of contact with vehicle wheels in the wheel wells during driving of the vehicle." As a result of this design, the inventive cover functions to limit contaminant

introduction without being drawn into possibly damaging contact with the wheels that rotate during driving of the covered vehicle.

In contrast to the invention now more particularly claimed in claim 10, the vehicle side covering portions of the Herron '522 protective cover lack upwardly recessed sections at the wheel wells. Consequently, and despite the fact that this patent contemplates operation of the automobile with the cover fitted thereover, it presumably is possible for its elastic cord to pull the cover into damaging contact with the vehicle tires. Thus, Herron '522 fails to teach all of the limitations of claim 10 as amended above.

Furthermore, Applicant submits the vehicle cover of amended claim 10 is not obvious in view of Herron '522, either alone or in combination with the art already of record or being submitted in the concurrently filed IDS. For one thing, advancing arguments that say that Herron '522 alone renders obvious the instant invention would be nothing more than an impermissible use of hindsight to reject the claims. Furthermore, while, for example, Rudys '958 does teach a vehicle cover that does not cover the vehicle tires, the teachings of Rudys '958 and Herron '522, when properly combined, would realize a design that is different from the design now being claimed by the Applicant. Applicant submits that unless her teachings were used as a guide, due to the way the bottom edge of the cover in Herron '522 would need to be changed to match the Rudys '958 bottom edge, a skilled artisan modifying Herron '522 in view of Rudys '958 similarly would be led to attach that bottom edge of the modified cover in the fashion taught by Rudys '958. As a result, the cover would lack elastic that extended both along the entire wheel well recesses and between the wheel wells to achieve a suitable fit, and instead would employ such things as mating locking strips attached to the cover and vehicle between the wheel wells. Applicant points out that such a configuration fails to realize the elastic retaining means of amended claim 10 that is both "disposed along at least substantially all of a vehicle encircling length of said bottom edge" of the covering means, and that is "disposed along the entire lengths of said upwardly recessed sections of said covering means to cause said upwardly recessed sections to bow inwardly into the wheel wells to limit contaminants from reaching underneath the covering means while said covering means remains clear of contact with vehicle wheels in the wheel wells during driving of the vehicle."

Thus, Applicant respectfully submits that amended claim 10 is not obvious, and the rejection of claim 10 has respectfully been overcome. In view of the foregoing, Applicant requests that claim 10, as well as claims 11 and 13-16 that are dependent on claim 10, be allowed upon reconsideration.

Regarding the rejection of claim 17, Applicant has amended claim 17 to now include the limitations introduced in original claim 6 related to the protective cuff, which claim limitations are believed to be neither taught or suggested in the art. Applicant submits that all of the limitations of amended claim 17 are not taught or suggested by Herron '522 in view of Rudys '958 or any of the other art already of record or being submitted in the concurrently filed IDS. Therefore, Applicant is of the belief that amended claim 17, as well as claims 18-21 dependent therefrom, are patentable and in condition for allowance, and such action after reconsideration is respectfully requested.

Added claims 22-25 are also presented herein for consideration. Claims 22 and 23 respectively correspond to original claims 4 and 5. As claims 4 and 5 were identified in the Office Action as being allowable if rewritten in independent form, and because the additional art being submitted in an IDS does not in proper combination with the art already of record negate patentability, Applicant submits that claims 22 and 23 are in condition for allowance, and such action after consideration is requested. Claim 24 corresponds to the subject matter of original dependent claim 19 and the claim on which it was based, namely all of the limitations of original claims 17 and 19, plus it includes the limitations related to the protective cuff introduced in original claim 6. Applicant submits that because all of the limitations of added claim 24 are not taught or suggested by the art already of record or being submitted in the concurrently filed IDS, claim 24, as well as claim 25 dependent therefrom, is patentable and in condition for allowance, and such action after consideration is respectfully requested.

In view of the foregoing, Applicant submits that claims 1-5, 7-11 and 13-25, as amended and added, are patentable over the art of record. Applicant further submits that such claims are in condition for allowance and such favorable action after reexamination and reconsideration is respectfully requested. As the application now includes two independent claims in excess of three, and two total claims in excess of

twenty for which payment has not been previously made, a check in the amount of \$96.00 to cover the fee associated with such additional claims is enclosed. Applicant also believes that a three-month extension of time is required for this paper and the appropriate petition and fee is being filed concurrently. In the event any further extension of time or payment of fee, such as for additional claims, is required, Applicant hereby conditionally petitions therefor and authorizes any charges be made to deposit account 02-0390, BAKER & DANIELS.

Should the Examiner have any questions regarding the above amendments or suggestions that would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,



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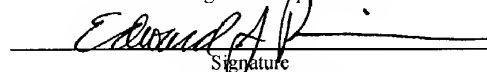
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on: February 29, 2000

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Signature

February 29, 2000

Date